

# **Town Board Minutes**

**Meeting  
No. 21**

**Regular Meeting**

**July 3, 2006**

# **Town Board Minutes**

July 3, 2006

Meeting No. 21

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3<sup>rd</sup> day of July 2006 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO, to deliberate in Executive Session for the announced purpose of discussing particular personnel matters in the Building Inspector's Department and the Town Court which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 9:16 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- drainage and wetland issues in various proposed and existing subdivisions

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matters:

- revision of storm sewer bubblers
- air traffic and fireworks

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon an application for a Special Use Permit as petitioned by Timothy Haniszewski to allow his business vehicles and towed vehicles to be on his premises and to do registered repairs and collision work on premises located at 971 Ransom Road, Lancaster, New York

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Timothy Haniszewski, petitioner	1159 Ransom Road	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:51 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held June 19, 2006 and the Regular Meeting of the Town Board held June 19, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, New York State Electric & Gas Corp., 150 Erie Street, Lancaster, New York 14086, by letter dated June 21, 2006, has presented a cost proposal for the removal of four (4) 150w HPS Luminaries and the installation of four (4) 250w HPS turnpike luminaries and three (3) 20 ft. brackets on Transit Road in the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts the proposal of New York State Electric & Gas Corp. for the following:

Removal of:

4 - 150w HPS luminaries @ \$154.39 ea. = \$ 617.56

Installation of:

4 - 250w HPS turnpike luminaries @ \$359.45 ea. = \$1437.80

3 - 20 ft. brackets @ \$ 26.67 ea. = \$ 80.01

**TOTAL ANNUAL INCREASE - \$900.25**

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the above mentioned installation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated June 26, 2006 has recommended an appointment for the Youth Bureau's 2006 Summer Programs.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual be and is hereby appointed to a position in the Youth Bureau's 2006 Summer Programs of the Town of Lancaster effective July 3, 2006 through August 31, 2006 at the following rate:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Mary Beth Morgan 8 Ann Marie Drive Lancaster, New York	Tutor	\$15.00 hr.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: Rpers seasonal (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

**WHEREAS, CRISTIN M. BISHOP, d/b/a THE POUR HOUSE BAR & GRILLE**, 6529 Broadway, Lancaster, New York, by letter filed on June 21, 2006 with the Town Clerk of the Town of Lancaster has indicated her intent to apply for a liquor license with the New York State Liquor Authority, and

**WHEREAS, CRISTIN M. BISHOP, d/b/a THE POUR HOUSE BAR & GRILLE**, 6529 Broadway, Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

**WHEREAS**, this waiver can only be granted by the Town Board in which the premises is located.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on June 22, 2006, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS, FEDERAL STORAGE OF WNY**, 4624 Goodrich Road,  
Clarence, New York, the owner of a parcel of land located at 4845 Transit Road, Lancaster,  
New York, has petitioned the Town Board of the said Town for the rezone of said property from  
a Residential District One (R-1) to a Multi-Family Residential District Four (MFR-4), and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of  
Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 130 and 265 of the Town Law of the State  
of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central  
Avenue, Lancaster, New York, on the 17th day of July, 2006, at 8:35 o'clock P.M., Local Time,  
and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a  
newspaper of general circulation in said Town on July 6, 2006 and be posted on the Town  
Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of  
Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in  
form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: rezonemeadowwoodsapartments706



**LEGAL NOTICE  
REZONE - PUBLIC HEARING  
4845 TRANSIT ROAD  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on July 3, 2006, the said Town Board will hold a Public Hearing on the 17<sup>th</sup> day of July, 2006 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential District One (R-1) to a Multi-Family Residential District Four (MFR-4), and:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie, State of New York, all as shown on a map entitled "Kohl's Department Store - Subdivision Plan", prepared by Costich Engineering, P.C., having Drawing No. 3396-3, dated October 13, 2003, last revised July 9, 2004 being more particularly bounded and described as follows:

Commencing at a point on the centerline of Transit Road, said point also being the northwest corner of Lot 96; thence

A. Southerly, along said centerline of Transit Road, a distance of approximately 980 feet to a point; thence

B. N88°25'25"E, a distance of 1,219.19 feet to the point and place of beginning; thence

1. Continuing N88°25'25"E along the aforesaid line, a distance of 1,413.81 feet to a point; thence

2. S01°18'52"E, a distance of 461.34 feet to a point; thence

3. S88°45'24"W, a distance of 228.36 feet to a point; thence

4. S01°18'52"E, a distance of 40.00 feet to a point; thence

5. S88°45'24"W, a distance of 1,197.49 feet to a point; thence

6. N00°05'11"E, a distance of 493.24 feet to the point and place of beginning.  
Containing 15.996 acres of land, more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

July 3, 2006

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids for One (1)  
New Leaf Vacuum for use by the Highway Department, and

**WHEREAS**, bids were received, opened and reviewed on June 29, 2006, and

**WHEREAS**, the Town Board deems it in the public interest to approve the  
purchase of said New Leaf Vacuum;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby awards the bid for One (1)  
New Leaf Vacuum for use by the Highway Department to The ODB Company, Inc., 5118 Glen  
Alden Drive, Richmond, Virginia 23231 in the amount of \$29,845 being the lowest responsible  
bidder in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File:rhghwaynewleafvacuum706

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the County of Erie, City of Buffalo, City of Lackawanna and the City of Tonawanda entered into an Agreement on December 30, 1977 with regard to sales tax revenue distribution, and

**WHEREAS**, at the time that the Agreement was entered into the Cities of Buffalo, Lackawanna and Tonawanda, collectively, constituted approximately 46% of the population of Erie County and in addition were the centers of commerce in the County and generated a substantial portion of the sales tax revenue and as part of the Agreement the cities surrendered their rights to enact a city sales tax, and

**WHEREAS**, due to demographic changes the Cities of Buffalo, Lackawanna and Tonawanda now collectively constitute only approximately 34% of the population of Erie County, are no longer the centers of commerce in the County, are no longer the main source of sales tax revenue generation and as a result of this change the surrender of their rights to enact a city sales tax is no longer as meaningful or significant as it was in 1977, and

**WHEREAS**, the current sales tax distribution formula results in the residents of the Cities of Buffalo, Lackawanna and Tonawanda receiving approximately \$215.85 per capita whereas the amount received per capita by the Towns in Erie County is only an average of approximately \$80 per capita, which distribution is clearly less than their fair and equitable share of sales tax revenue, and

**WHEREAS**, the Agreement provides that each party to the Agreement shall have the right to terminate said Agreement by giving one years prior notice.

**NOW, THEREFORE,**

**BE IT RESOLVED** by the Town Board of the Town of Lancaster as follows:

1. That the Town Board requests that the Erie County Legislature adopt the resolution submitted by Legislators Ranzénhofer, Mills and Weinstein to exercise its right to terminate the sales tax distribution agreement upon one years prior notice to the other parties to the Agreement and that written notice of such election be given to the City of Buffalo, City of Lackawanna and the City of Tonawanda.
2. That the Erie County Legislature negotiate a new sales tax distribution agreement that more fairly distributes sales tax revenue among the cities, towns and villages in proportion to their respective populations as set forth in the latest decennial federal census.

3. That the Town Clerk is directed to send copies of this resolution to the Erie County Legislature, the City of Buffalo, the City of Lackawanna, the City of Tonawanda and the Erie County Executive.
4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File rsalestaterevenue706

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

**WHEREAS**, the Highway Superintendent has advised that the \$6,000 sum which was appropriated for this work in the resolution of December 19, 2005 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$7,500, and

**WHEREAS**, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$7,500 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: rpksewerconstruction706

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 2929 to Claim No. 3089 Inclusive

Total amount hereby authorized to be paid: \$194,322.32

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13851	Cortese Brothers Inc	154 Pleasant View Dr	Er. Res. Add.
13852	Gaczewski, James	182 Central Ave	Er. Pool-Abv Grnd (V/L)
13853	Garbacz, Robert	15 Pinetree Dr	Er. Deck
13854	Breidenstein, Shirley	280 Lake Ave	Er. Fence (V/L)
13855	Enders, Justin	8 Caladium Ct	Er. Shed
13856	Pool Mart	8 Wendtworth Ct	Er. Pool-Abv Grnd
13857	Winkel, James	26 Hunters Dr	Er. Fence
13858	Whetstone, Anthony	8 Banner Ave	Er. Shed (V/L)
13859	Majestic Pools Inc	135 Pleasant View Dr	Er. Pool-In Grnd
13860	Majestic Pools Inc	135 Pleasant View Dr	Er. Fence
13861	Majestic Pools Inc	20 Villa Pl	Er. Pool-In Grnd (V/L)
13862	Majestic Pools Inc	20 Villa Pl	Er. Fence
13863	Vertlieb, Allan	76 Westwood Rd	Er. Res. Alt.
13864	Duro-Shed Inc	131 Hinchey Ave	Er. Shed (V/L)
13865	Atlantic Equity Partners	4907 Transit Rd	Er. Sign-Temp
13866	Orchard Park Sheds	146 Siebert Rd	Er. Shed
13867	Slivan Pools	10 Division (V) St	Er. Pool-Abv Grnd (V/L)
13868	Duro-Shed Inc	11 Ashwood Ct	Er. Shed
13869	Avalon Services	15 Devonshire Ln	Er. Pool-Abv Grnd
13870	O Motion Pers. Fitness	5360 Genesee St	Er. Sign-Temp
13871	Decks Unlimited Const	1 Katelyn Ln	Er. Deck
13872	Forestream Village Inc	4733 Transit Rd	Er. Sign-Temp
13873	J.S. Sebastiano Inc	41 Quail Run Ln	Er. Res. Alt.
13874	Schuster Const.	43 Rehm Rd	Er. Deck
13875	Iroquois Fence	48 Quail Run Ln	Er. Fence
13876	Cortese Brothers Inc	194 Peppermint Rd	Er. Res. Add.
13877	Ehrle, Randall Sr	16 Pleasant Ave	Er. Deck (V/L)
13878	Rich Pools Inc	14 James Pl	Er. Pool-Abv Grnd (V/L)
13879	Ryan Homes	29 St Anthony St	Er. Dwlg.-Sin.
13880	Mochrle, John	17 Court St	Er. Res. Alt. (V/L)
13881	Swimco Mfg	41 Michael's Walk	Er. Pool-In Grnd

13882	Swimco Mfg	41 Michael's Walk	Er. Fence	
13883	Swimco Mfg	1128 Penora St	Er. Pool-In Grnd	
13884	Swimco Mfg	1128 Penora Si	Er. Fence	
13885	City Fence Inc	7 Whitestone Ln	Er. Fence	
13886	City Fence Inc	30 Cambria St	Er. Fence	( V / L )
13887	Iroquois Fence Inc	33 Southwest Pky	Er. Fence	(V/L)
13888	City Fence Inc	10 Overton Ct	Er. Fence	
13889	Fridmann, Michael	775 Schwartz Rd	Er. Garage	
13890	Marrano/Marc Equity	26 Chicory Ln	Er. Dwlg.-Sin.	
13891	Slivan Pool & Const.	51 Trentwood Trl N	Er. Pool-Abv Grnd	
13892	Ford, Jeffrey	23 Brandel Ave	Er. Fence	(V/L)
13893	City Fence Inc	56 Kennedy Ct	Er. Fence	
13894	Slivan Pool	8 Quail Run Ln	Er. Pool-Abv Grnd	
13895	All Craft Inc	1264 Penora St	Er. Deck	
13896	All Craft Inc	5605 Genesee St	Er. Res. Add.	
13897	Dommer Construction	21 Palmer Pl	Er. Comm. Add.	(V/L)
13898	Lima, Sal	410 Aurora St	Er. Dwlg.-Sin.	
13899	Wyzykowski, Frank	43 Roosevelt Ave	Er. Deck	(V/L)
13900	North Forest Devel	2805 Wehrle Dr	Er. Sign-Wall	
13901	North Forest Devel	2813 Wehrle Dr	Er. Sign-Wall	
13902	North Forest Devel	2801 Wehrle Dr	Er. Sign-Wall	
13903	Love Joy Gospel Church	5423 Genesee St	Er. Sign-Temp	
13904	Picket Fence & Exteriors	295 Iroquois Ave	Er. Fence	
13905	Markowski, James	8 Montauk Ln	Er. Fence	
13906	J Gun Enterprises Inc	22 Stone Hedge Dr	Er. Pool-Abv Grnd	
13907	Parisi, Frances	18 Winding Way	Er. Fence	
13908	Fisen, Karl	16 Fourth Ave	Er. Fence	(V/L)
13909	City Fence Inc	57 Briarwood Dr	Er. Fence	(V/L)
13910	Lubanski, Jeffrey	29 Deerpath Dr	Er. Shed	
13911	The Building Co Inc	157 Siebert Rd	Er. Dwlg.-Sin.	
13912	Kulback's Construction	4891 Transit Rd	Er. Comm. Bldg.	
13913	Kulback's Construction	4891 Transit Rd	Dem. Comm. Bldg	
13914	Lelonek, Ronald	6 Idlebrook Ct	Er. Shed	
13915	Heritage Builders	807 Ransom Rd	Er. Storage Bldg.	
13916	Beebe, Marc	105 Peppermint Rd	Er. Fence	
13917	Duro-Shed Inc	15 Rose Hill Cir	Er. Shed	

#### BE IT FURTHER

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and



**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 3, 2006

File: Rbldg2

## COMMUNICATIONS & REPORTS:

359. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak - Notice of lack of landscape plan regarding proposed Nicholas Heights Subdivision; comments noted. DISPOSITION = Planning Committee
360. Highway Superintendent to Town Board - Request for appointment of Daniel Latello as Working Crew Chief. DISPOSITION = Resolution 6/19/06
361. NYS DEC to Town Attorney - Notice of Lead Agency Designation regarding proposed Buffalo Redi-Mix Company, Harris Hill Road; concerns noted. DISPOSITION = Received & Filed
362. Orville F. Weiss Jr. to Supervisor - Letter regarding possible sale of 321 Columbia Avenue. DISPOSITION = Received & Filed
363. Citizens Environmental Coalition to Supervisor - Letter regarding toxic chemicals in the environment and request for Town to reduce their use. DISPOSITION = Received & Filed
364. Wm. Shutt & Associates, P.C. to Mussachio Associates - Letter regarding revised drainage design for proposed Master Chong Tae Kwon Do. DISPOSITION = Planning Committee
365. Erie County Department of Personnel to Supervisor - Letter regarding Town Residency Law and future Civil Service appointments. DISPOSITION = Received & Filed
366. NYS Thruway Authority to Town Board - Invitation to Williamsville Toll Barrier Public Hearing on July 11, 2006 in Akron, NY. DISPOSITION = Received & Filed
367. ABC Consulting Services to Town Clerk - Advisement of application for liquor license for new entity at 6529 Broadway. DISPOSITION = Resolution 7/3/06
368. Buffalo Redi-Mix Co. to Building Inspector - Notice of withdrawal of application to erect Redi-Mix Concrete Plant on Harris Hill Road. DISPOSITION = Received & Filed
369. Erie County Department of Public Works, Division of Highways to Town Attorney - Notification of Lead Agency Designation regarding proposed Wendell Commons Patio Homes, south of Como Park Boulevard; concern noted. DISPOSITION = Planning Committee
370. NYS DEC to Town Attorney - Transmittal of concerns regarding proposed Wendell Commons Patio Homes, south of Como Park Boulevard. DISPOSITION = Planning Committee
371. Erie County Department of Environment & Planning to Town Attorney - Notice of no objections to proposed Wendell Commons Patio Homes, south of Como Park Boulevard; comments noted. DISPOSITION = Planning Committee
372. Erie County Department of Environment & Planning to Town Attorney - Notice of no objections to proposed Wainwright Court Subdivision, w/s of N. Maple Drive, s. of Wehrle Drive; comments noted. DISPOSITION = Planning Committee
373. Erie County Department of Public Works, Division of Highways to Town Attorney - Notice of Lead Agency Designation regarding proposed Wainwright Court Subdivision, w/s of N. Maple Drive, s. of Wehrle Drive; comments noted. DISPOSITION = Planning Committee

374. Erie County Department of Public Works, Division of Highways to Town Attorney -  
Notice of no comments regarding proposed re-zone of vacant land for 6 apartment  
buildings, 4845 Transit Road. DISPOSITION = Planning Committee
375. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy  
Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held June 21, 2006. Disposition = Received & Filed
376. Planning Board to Town Board -  
Recommend approval of rezone application for Park Land Apartments behind Kohl's  
Department Store, Transit Road; conditions noted. Disposition = Planning Committee
377. Planning Board to Town Board -  
Notice of adjournment regarding proposed Patio Home Development, s/s Como Park Blvd.,  
n. of Transit Boulevard; condition noted. Disposition = Planning Committee
378. Town of Clarence to Supervisor -  
Transmittal of adopted resolution regarding the equitable distribution of the sales tax.  
Disposition = Received & Filed
379. Town of Elma to Supervisor -  
Transmittal of adopted resolution regarding the equitable distribution of the sales tax.  
Disposition = Received & Filed
380. Executive Director, Youth Bureau to Supervisor -  
Request appointment of Mary Beth Morgan as tutor. Disposition = Resolution 7/3/06
381. Cristin M. Bishop to Town Clerk -  
Advisement of liquor license application for The Pour House & Grille, 6529 Broadway, and  
request for waiver of 30 day statutory notification requirement. Disposition = Resolution  
7/3/06
382. TVGA Consultants to Town Clerk -  
Notice of extension of public comment period to August 21, 2006 regarding proposed  
Williamsville Toll Barrier Improvement Project. Disposition = Received & Filed
383. Village of Lancaster to Town Board -  
Minutes of meeting held May 8, 2006. Disposition = Received & Filed
384. Village of Lancaster to Town Board -  
Minutes of meeting held May 22, 2006. Disposition = Received & Filed
385. Village of Lancaster to Town Board -  
Minutes of meeting held June 15, 2006. Disposition = Received & Filed
386. Highway Superintendent to Town Board -  
Request resolution to purchase vacuum leaf collector from ODB Company, Inc. Disposition  
= Resolution 7/3/06
387. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice of no issues from the Town Forestry Department regarding Preliminary Plat Plan for  
Winding Way Subdivision. Disposition = Planning Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED  
BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:16 P.M.

Signed

  
Johanna M. Coleman, Town Clerk